IN THE HIGH COURT OF KERALA AT ERNAKULAM

PRESENT :

THE HONOURABLE MR. JUSTICE K.M.JOSEPH

THURSDAY, THE 1ST NOVEMBER 2007 / 10TH KARTHIKA 1929

WP(C).No. 32461 of 2007(M)

PETITIONER:

THE MANAGING DIRECTOR,
KERALA STATE ROAD TRANSPORT CORPORATION,
THIRUVANANTHAPURAM, REPRESENTED BY DEPUTY
LAW OFFICER, SRI.RANJITH JOSEPH.

BY ADV. SRI.K.PRABHAKARAN, SC, K.S.R.T.C.

RESPONDENTS:

SRI.C.SANALKUMARAN NAIR,
S/O.CHELLAPPAN PILLAI, ASWATHY,
CHITHIRA NAGAR, PUMALLIYOORKONAM,
PEROORKADA P.O., THIRUVANANTHAPURAM DISTRICT.

BY ADV. SRI. ANANDARAJAN.

THIS WRIT PETITION (CIVIL) HAVING COME UP FOR ADMISSION ON 01/11/2007, THE COURT ON THE SAME DAY DELIVERED THE FOLLOWING:

K.M.JOSEPH, J.

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WP.(C) No.32461 of 2007

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Dated this the 1st day of November, 2007

JUDGMENT

Petitioner challenges Ext.P2 order passed by the Lok Adalath. The issue is covered in favour of the petitioner on the strength of the judgment of this court in W.P.(C) 19040 of 2007. Following the same a declaration is granted in favour of the petitioner in terms of prayer No.2.

2. The respondent retired as Garage Mazdoor on 31.5.2007. But he pressed for payment overlooking seniority on the ground of marriage of his daughter held on 16.9.2007. Therefore while I grant the declaration and also quash Ext.P2, I feel that the petitioner should give some benefit to the respondent.

Accordingly I quash Ext.P2. But I direct that the petitioner will pay the amount due to the respondent as DCRG or Commuted Value of Pension whichever is higher subject to the condition that this will not stand in the way of the Corporation retaining the amount necessary for meeting any dues to any creditor under the strength of an agreement

executed by him or any liability due to the Corporation and in accordance with law. The payment shall be made within a period of one month from the date of receipt of a copy of this judgment subject to the aforesaid conditions.

The writ petition is disposed of as above.

(K.M. JOSEPH, JUDGE)

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